

Senate File 326 - Introduced

SENATE FILE 326
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1010)

A BILL FOR

1 An Act relating to the appointment of judicial officers and
2 senior judges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 602.2301 **Judicial officer**
2 **appointment — delay.**

3 1. Notwithstanding section 46.12, the chief justice
4 may order the state commissioner of elections to delay, for
5 budgetary reasons, the sending of a notification to the proper
6 judicial nominating commission that a vacancy in the supreme
7 court, court of appeals, or district court has occurred or will
8 occur.

9 2. Notwithstanding sections 602.6304, 602.7103B, and
10 633.20B, the chief justice may order any county magistrate
11 appointing commission to delay, for budgetary reasons,
12 publicizing the notice of a vacancy for a district associate
13 judgeship, associate juvenile judgeship, or associate probate
14 judgeship.

15 3. Notwithstanding section 602.6403, subsection 3, if a
16 magistrate position is vacant due to a death, resignation,
17 retirement, an increase in the number of positions authorized,
18 or to the removal of a magistrate, the chief justice may order
19 any county magistrate appointing commission to delay, for
20 budgetary reasons, the appointment of a magistrate to serve the
21 remainder of an unexpired term.

22 Sec. 2. NEW SECTION. 602.6113 **Apportionment of certain**
23 **judicial officers — substantial disparity.**

24 Notwithstanding section 602.6201, 602.6301, 602.6304,
25 602.7103B, or 633.20B, if a vacancy occurs in the office of a
26 district judge, district associate judge, associate juvenile
27 judge, or associate probate judge, and the chief justice of
28 the supreme court makes a finding that a substantial disparity
29 exists in the allocation of such judgeships and judicial
30 workload between judicial election districts, the chief
31 justice may apportion the vacant office from the judicial
32 election district where the vacancy occurs to another judicial
33 election district based upon the substantial disparity finding.
34 However, such a judgeship shall not be apportioned pursuant
35 to this section unless a majority of the judicial council

1 approves the apportionment. This section does not apply to a
2 district associate judge office authorized by section 602.6302
3 or 602.6307.

4 Sec. 3. Section 602.6305, subsections 2 and 3, Code 2011,
5 are amended to read as follows:

6 2. A person does not qualify for appointment to the office
7 of district associate judge unless the person is at the time of
8 appointment a resident of the county judicial election district
9 in which the vacancy exists, licensed to practice law in Iowa,
10 and will be able, measured by the person's age at the time of
11 appointment, to complete the initial term of office prior to
12 reaching age seventy-two. An applicant for district associate
13 judge shall file a certified application form, to be provided
14 by the supreme court, with the chairperson of the county
15 magistrate appointing commission.

16 3. A district associate judge must be a resident of ~~a county~~
17 the judicial election district in which the office is held
18 during the entire term of office. A district associate judge
19 shall serve within the judicial district in which appointed,
20 as directed by the chief judge, and is subject to reassignment
21 under section 602.6108.

22 Sec. 4. Section 602.6401, subsection 2, Code 2011, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. e. A case-related workload formula.

25 Sec. 5. Section 602.6404, subsection 1, Code 2011, is
26 amended to read as follows:

27 1. A magistrate shall be a resident of the county of
28 appointment or a resident of a county contiguous to the county
29 of appointment during the magistrate's term of office. A
30 magistrate shall serve within the judicial district in which
31 appointed, as directed by the chief judge, provided that the
32 chief judge may assign a magistrate to hold court outside of
33 the county of ~~the magistrate's residence~~ appointment for the
34 orderly administration of justice. A magistrate is subject to
35 reassignment under section 602.6108.

1 resignation, retirement, an increase in the number of positions
2 authorized, or to the removal of a magistrate. New Code
3 section 602.2301 does not grant authority to the chief justice
4 to delay the appointment of magistrates when all magistrates'
5 terms expire pursuant to Code section 602.6403(1).

6 The bill creates new Code section 602.6113 authorizing the
7 chief justice to apportion a vacancy in the office of district
8 judge, district associate judge, associate juvenile judge, or
9 associate probate judge, from the judicial election district
10 where the vacancy occurs to another judicial election district.
11 An apportionment from one judicial election district to another
12 judicial election district shall not occur under the bill,
13 unless the chief justice finds a substantial disparity exists
14 in the allocation of judgeships and judicial workload between
15 judicial election districts, and a majority of the judicial
16 council approves the apportionment. Current law does not
17 permit the chief justice and the judicial council to apportion
18 vacant judgeships across judicial election district boundaries.

19 The amendment to Code section 602.6305 requires a district
20 associate judge to reside in the judicial election district
21 at the time of appointment and throughout the entire term of
22 office. Currently, a district associate judge is required to
23 reside in the county where the vacancy exists at the time of
24 appointment and throughout the entire term of office.

25 The amendment to Code section 602.6401(2) modifies the
26 criteria used by the state court administrator to apportion
27 magistrates throughout the state. Under the bill, the state
28 court administrator must also consider a case-related workload
29 formula in addition to the other criteria listed in Code
30 section 602.6401(2).

31 The amendment to Code section 602.6404(1) allows a
32 magistrate to be a resident of a county contiguous to the
33 county of appointment during the magistrate's term of office.
34 The bill permits the chief judge to assign a magistrate to hold
35 court outside of the magistrate's county of appointment for the

1 orderly administration of justice.

2 The amendments to Code section 602.9203(1) and (2) require
3 senior judge written forms to be prescribed by the supreme
4 court. Currently, the court administrator prescribes the
5 forms.

6 The amendment to Code section 602.9203(5) specifies that
7 a senior judge, upon attaining the age of 78, may serve a
8 one-year term and a succeeding one-year term at the discretion
9 of the supreme court. Currently, a senior judge, upon
10 attaining the age of 78, may serve a two-year term at the
11 discretion of the supreme court.